

JUL 06 2010

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 09-90190 and 09-90191

ORDER

KOZINSKI, Chief Judge:

Complainant filed a misconduct complaint against a district judge who has since died. This misconduct complaint is dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996).

Complainant also alleges that a different district judge improperly dismissed his deceased relative's civil case, which sought \$10 million from a government agency for refusing to renew an expired document. These charges relate directly to the merits of the judge's ruling and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not the proper vehicle for challenging the merits of a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant's request for \$40 million in damages from the two judges is not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h). Complainant's allegations against the government agencies are not

cognizable either because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 570 F.3d 1144, 1144 (9th Cir. Jud. Council 2009).

DISMISSED.